

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22991 of 2004

Between:

- 1.Sunil Kumar Srivastava, s/o Late Dr. Jagdish Prashad,
R/o H.No. 23-6-983/2, Shah Ali Banda, Hyderabad.
- 2.Shoba Rani Srivastava, W/o Sri Anil Kumar Srivastava,
R/o H.No. 23-6-983/2, Shah Ali Banda, Hyderabad.

... PETITIONERS

AND

- 1 The Commissioner, Municipal Corporation of Hyderabad,
M.C.H. Building, Tank Bund, Hyderabad.
- 2 The Chief City Planner, Municipal Corporation of Hyderabad,
M.C.H. Building, Tank Bund, Hyderabad.
- 3 The Assistant Town Planner, Municipal Corporation of Hyderabad, Circle -1,
Sardar Mahal, Charminar, Hyderabad.
- 4 Yousuf Ba Ramzan, S/o Late Abdul Khader Ba Ramzan,
R/o 18-7-198/A/297/A, Murad Mahal, Talab Katta Mirjumla, Hyderabad.
- 5 Mirza Ismail Baig, S/o Late Mahbood Baig,
R/o 20-4-973/11, Khana Bagh, Hyderabad.
- 6 Akram Basha, S/o Late Abdul Nabi,
R/o 23-6-942, Shah Ali Banda, Hyderabad.
- 7 Smt. M. Sri Devi, W/o M. Ravinder Reddy,

H.No.3-6-69/13/17/2,Avantinagar, Basheerbagh,

Hyderabad.

... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate order or direction more particularly a writ in the nature of Mandamus directing the respondents 1 to 3 herein to consider and dispose of our representation dated

24-11-2004 of the petitioners herein by declaring the action of the respondents 1 to 3 herein in not considering the aforesaid representation as illegal, void and biased and consequently direct the respondents 1 to 3 not to sanction permission for

construction over the property bearing Municipal No. 23-6-993 and 985 , admeasuring 580 Sq. Yards situated at Shahali banda, Hyderabad and to pass such other order or orders.

Counsel for the Petitioners: MR.GADEVENKATESWARA RAO

Counsel for the Respondents1 to 3: MR.RAMA RAO GANTA

The Court at the stage of admission made the following:

ORDER:

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The petitioners claim to be the owners of certain extents of land in premises bearing No.23-6-993, Shah Ali Banda, Hyderabad, having purchased the same in the year 1999. According to them, they also filed O.S.No.405 of 2004, in the Court of Chief Judge, City Civil Court, Hyderabad, when certain disputes arose, and an order of temporary injunction is said to have been granted on 19.11.2004, against the defendants therein.

Petitioners allege that respondents 4 to 7 have submitted application to the respondents 1 to 3 for granting permission for construction over the said area. They also allege that they submitted a representation to the respondents 1 to 3, taking objection to the application filed by the respondents 4 to 7 and complain that the same is not being taken into account.

Heard learned counsel for the petitioners and the learned standing counsel for respondents 1 to 3.

The question as to whether the petitioners are the rightful owners of the land referred to above, or whether respondents 4 to 7 intend to make any construction therein, cannot be decided by this Court. Even assuming that respondents 4 to 7 have submitted application before respondents 1 to 3, seeking permission for construction, the same needs to be considered in accordance with the relevant bye-laws and duly taking into account the objections that may be filed, either by the neighbouring land owners, or by any persons claiming rights in that land. It cannot be assumed that the respondents 1 to 3 do not take into account the representation said to have been made by the petitioners.

Hence, the writ petition is disposed of, directing that as and when respondents 1 to 3 propose to consider the application of the respondents 4 to 7, seeking permission for

construction, they shall take into account the representation said to have been made by the petitioners on 24.11.2004. To avoid further complications, the petitioners are directed to make available a copy of the said representation, together with a copy of this order, to the respondents 1 to 3. There shall be no order as to costs.

13th December, 2004

Note: Issue copy in three days.

(B/o)

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To

- 1 The Commissioner, Municipal Corporation of Hyderabad,
M.C.H. Building, Tank Bund, Hyderabad.
- 2 The Chief City Planner, Municipal Corporation of Hyderabad,
M.C.H. Building, Tank Bund, Hyderabad.
- 3 The Assistant Town Planner, Municipal Corporation of Hyderabad, Circle -1,
Sardar Mahal, Charminar, Hyderabad.
4. Two CD copies.